

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 12-4008-13-CR-C-BCW
)	
NICHOLAS ROBERT BERBERICH,)	
)	
Defendant.)	

**REPORT AND RECOMMENDATION
CONCERNING PLEA OF GUILTY**

Defendant Nicholas Robert Berberich, by consent, appeared before the undersigned on March 5, 2013, pursuant to Rule 11 of the Federal Rules of Criminal Procedure, Local Rule 72(c)(1)(j), and 28 U.S.C. § 636, and has entered a plea of guilty to Count One of the Third Superseding Indictment filed on August 30, 2012. After cautioning and examining the defendant, under oath, in accordance with the requirements of Rule 11, it was determined that the guilty plea was made with full knowledge of the charge and the consequences of pleading guilty, was voluntary, and that the offense to which the defendant has plead guilty is supported by a factual basis for each of the essential elements of the offense.

IT IS, THEREFORE, RECOMMENDED that the plea of guilty be accepted and that defendant Nicholas Robert Berberich be adjudged guilty and have sentence imposed accordingly.

Failure to file written objections to this Report and Recommendation within fourteen (14) days from the date of its filing will bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

Dated this 5th day of March, 2013, at Jefferson City, Missouri.

/s/ *Matt J. Whitworth*
MATT J. WHITWORTH
United States Magistrate Judge